



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

NB:JJD
F.#2010R00014

*United States Attorney's Office
610 Federal Plaza
Central Islip, New York 11722-4454*

September 1, 2010

By Hand

The Honorable Joseph F. Bianco
United States District Judge
United States District Court
Eastern District of New York
920 Federal Plaza
Central Islip, New York 11722

Re: United States v. Prado et al.
Criminal Docket No. 10-074 (S-2) (JFB)

Dear Judge Bianco:

The government hereby moves the Court for a protective order directing that: (a) counsel for the defendants, or anyone acting under the direction of defense counsel, may not reproduce, distribute or otherwise disseminate the materials provided pursuant to Rule 16 of the Federal Rules of Criminal Procedure ("Rule 16") in connection with the above-referenced matter; and (b) the defendants not be permitted to bring the Rule 16 materials, or copies thereof, back to the institutions where they are incarcerated, except the defendants may review the Rule 16 materials provided to those institutions by the government, at the direction of the Court, in the areas designated by the institutions, but in no event shall the defendants be permitted to remove the Rule 16 materials from the designated areas or retain copies of those materials.

The 22 defendants charged in the Second Superseding Indictment are members and associates of La Mara Salvatrucha ("MS-13") street gang. As the Court is aware, the defendants are charged with committing a litany of violent crimes, including four murders, attempted murders, conspiracies to commit murder, assaults with dangerous weapons, witness tampering, witness retaliation and firearms offenses. The Rule 16 materials will reveal that certain individuals have cooperated with the government. In the past several years, MS-13 members on Long Island have murdered members and associates believed to be cooperating with law enforcement authorities, including murders that have been prosecuted by this Office.

Accordingly, due to the violent crimes committed by the MS-13 members and associates charged in the Second Superseding Indictment, the fact that witnesses in this case have already been intimidated, tampered with and retaliated against, and the MS-13's history of murdering individuals believed to be cooperating with law enforcement, the government respectfully requests that the Court issue the attached Rule 16 protective order.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: 

John J. Durham
Assistant United States Attorney
(631) 715-7851

Attachment

cc: All Counsel of Record (By ECF)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

O R D E R

- against -

Cr. No. 10-CR-074 (S-2) (JFB)

PRADO et al.,

Defendants.

- - - - - -X

Upon the application of LORETTA E. LYNCH, United States Attorney for the Eastern District of New York, by Assistant United States Attorney JOHN J. DURHAM, it is hereby:

ORDERED that counsel for the defendants, or anyone acting under the direction of defense counsel, may not reproduce, distribute or otherwise disseminate the materials provided pursuant to Rule 16 of the Federal Rules of Criminal Procedure ("Rule 16") in connection with the above-referenced matter; and

ORDERED that the defendants not be permitted to bring the Rule 16 materials, or copies thereof, back to the institutions where they are incarcerated, except the defendants may review the Rule 16 materials provided to those institutions by the government, at the direction of the Court, in the areas designated by the institutions, but in no event shall the

defendants be permitted to remove the Rule 16 materials from the designated areas or retain copies of those materials.

Dated: Central Islip, New York
September _____, 2010

THE HONORABLE JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK